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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/834,325

04/13/2001

Craig S.K. Clapp

SDAC-P01-072

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12/12/2006

WONG, CABELLO, LUTSCH, RUTHERFORD & BRUCCULERI,

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20333 SH 249

SUITE 600

HOUSTON, TX 77070

EXAMINER

RAMAKRISHNAIAH, MELUR

ART UNIT

PAPER NUMBER

2614

DATE MAILED: 12/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/834,325

Applicant(s)

CLAPP ET AL.

Examiner

Melur Ramakrishnaiah

Art Unit

2614

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 25 October 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☐ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).


4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-15, 24-33.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.


Melur Ramakrishnaiah
Primary Examiner
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Response to Arguments and Amendments after final rejection

Rejection of claims 1-2, 4-9, 11, 13-15, 24-25 under 35 U.S.C. 103(a) as being obvious over Agraharam et al. (US2001/0042114A1, filed 2-19-1998, hereinafter Agraharam) in view of Hisayoshi (JP2000-184104): regarding rejection of the above claims, Applicant is making various arguments such as “combination of references proposed by the Examiner does not disclose each element of the claims, i.e., none of the references discloses a “video conferencing system” as that term has been used by the Applicant. This is relationship to the claim that Examiner has missed. Applicant’s specification makes clear that “video conferencing system” means dedicated appliance-type video conferencing systems. Applicant’s specification makes clear that “video conferencing system” does not include general-purpose computer system that are used for video conferencing. This point has been made repeatedly. However, in the interest of advancing the case, each of the claims has been amended to make it more than explicitly clear that claims require a modular dedicated video conference system. None of the references of record teaches anything about modular dedicated video conference system. Agraharam is directed to a general computer system used for video conferencing, and Hisayoshi is directed to cell phones and digital cameras. Therefore, these references cannot meet the limitations of Applicant’s claims”. Contrary to applicant’s interpretation of Agraharam reference, Agraharam teaches a video conference system which includes modules such as: a main unit (40, fig. 4), camera (46, fig. 4), speakers (45, fig. 4) and microphone (47, fig. 4), network connector (48, fig. 1) used for video conferencing (paragraphs: 0034-0035; 0028-0029). Further to the

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extent that Agraharam system is used for video conference system, it constitutes a dedicated conference system for video conferencing. Further Hisayoshi also teaches: docking station adaptor and camera for communication purposes, which also reads on applicant's modular system (Drawing 1; abstract; paragraphs: 21-22). Therefore, the combination of Agraharam and Hisayoshi still reads on Applicant's amended claims. As to Applicant's other assertion that Applicant's specification makes clear that "video conferencing system" does not include general-purpose computer system that are used for video conferencing, he is simply reading specification into claims as this aspect is not recited in the claims.

Applicant's further argues about the combination of references used in the rejection of the claims and alleges that it is improper to combine the references because they use general purpose computers with disadvantages such as poor portability, hardware upgrades and they may be difficult for end user. None of this is relevant to the claims as these are nothing to do applicants claim limitation other than that applicant is trying to read specifications into claims. As per applicant's assertion that there remains a need for a modular dedicated video conference system with detachable modules, etc. Both Agraharam and Hisayoshi use modules such as: main unit (40, fig. 4), camera (46, fig. 4), speakers (45, fig. 4), network interface (48, FIG. 4) as shown in fig. 4 of Agraharam which can read on applicant's modular video conference system as set forth in the final rejection.

Regarding Hisayoshi, Applicant argues "Examiner states: "Hisayoshi teaches a docking station adapter configured to removably couple to the docking station that

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connects in a communication relationship with video communication network such as radio telephone network". There are two problems with this statement. First, Hisayoshi does not disclose a video communication network, but rather a mobile telephone network. These are not the same as mobile telephone networks generally lack bandwidth required for video communication". To the extent that Hisayoshi reference teaches transmitting video through radio telephone network (abstract; paragraphs: 0021-002), this network constitutes a video communication network and reads on applicants video communication network.

Regarding applicant's other argument that "Agraharam already teaches a network connection, although not by way of a docking station, as required by the claims. Therefore one skilled in the art would not be motivated to add the docking station of Hisayoshi because there is no need to". Regarding this as set forth in the office action, using docking station adapter of Hisayoshi makes it possible the docking station adaptor configured to removably couple to a docking station that connects in a communicating relationship with video conferencing network as this arrangement would provide one of the methods, among many possible methods, for interfacing equipment to the communication system as taught by Hisayoshi.

Applicant further argues that "Because Agraharam does not disclose a modular system, there is no need for a docking station. Because Agraharam already has a network connection, there is need for a connection to the wireless telephone network. Again, one skilled in the art would not combine these two references, and thus combination for an obviousness is improper". Regarding this as already explained, to

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the extent Agraharam teaches main unit (40, fig. 4), camera (46, fig. 4), speakers (45, fig. 4), microphone (47, fig. 4), connector (48, fig. 4), these components reads on applicants modular system. As per combination, since Hisayoshi makes it possible the docking station adaptor configured to removably couple to a docking station that connects in a communicating relationship with video conferencing network, one of ordinary skill in the art at time invention was made would be motivated to combine the references in order to obtain to removably couple to a docking station that connects in a communication relationship with communication network as set forth in the office action. Applicant further arguments on this combination smacks of arguing against individual references. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melur Ramakrishnaiah whose telephone number is (571)272-8098. The examiner can normally be reached on 9 Hr schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curt Kuntz can be reached on (571) 272-7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Melur Ramakrishnaiah
Primary Examiner
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